

REMARKS

This application has been reviewed in light of the Office Action mailed December 23, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 7 – 21 are pending in the application with Claims 7 – 10, 12 – 15 and 17 in independent form. By the present amendment, Claims 7, 10, 12 – 14 and 19 – 21 are amended and Claims 8, 9, 15 and 17 are canceled. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 7 – 18 and 21 Under 35 U.S.C. § 112, Second Paragraph

Claims 7 – 18 and 21 are rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, Claims 7 – 18 and 21 are rejected because according to the Examiner it is unclear how a “transmission/reception switching signal” can be switched “in accordance with the communication state detected by the detecting device” as recited in Claim 7 and similarly in Claim 21.

However, in light of the amendment to the claims submitted herewith, the present rejection is believed to be moot. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 7 – 18 and 21 under 35 U.S.C. § 112, second paragraph.

II. Rejection of Claims 7 – 21 Under 35 U.S.C. § 102(a)

Claims 7 – 21 are rejected under 35 USC 102(a), as anticipated by U.S. Publication No. 2003/0085994 to Fujita, et al. (hereinafter, “Fujita ‘994”).

Fujita ‘994 fails to teach “...controlling the switching device to switch the at least two antennas at a predetermined time interval to transmit a request for detecting a receiving strength”

with respect to the in-body unit, transmitting the detection request to the in-body unit, and receiving data on the receiving strength from the in-body unit..." as recited in the claims.

(Emphasis added). Rather, Fajita '994 discloses switching between transmission and reception, but fails to disclose that the time interval is configured as in the claimed capsule medical system and method.

Moreover, the clocking signals disclosed in Fajita '994 for operating the electronic circuits would not be interpreted as timer by one of ordinary skill in the art, because the function of a clocking signal and a timer, as recited in Applicants' claims, are not the same. A clocking signal does not provide a time interval, but rather is used in electronic circuits to synchronize processes, so that processes are executed in an intended order and at a defined rate, thus a clocking signal is expressed in units of Hertz. On the other hand, a timer tracks elapsed time from the moment of initiation of the timer to the moment of stoppage of the timer. The conversion of a clocking signal to a timer is neither trivial nor obvious given the teachings and suggestion in Fajita '994.

Therefore, as demonstrated above, because Fajita '994 does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 7 - 18 under 35 U.S.C. § 102(a).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 7, 9 – 14, 16 and 18 – 21 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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